

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43966 of 2018

Arising Out of PS.Case No. -299 Year- 2016 Thana -KOTWALI District- MUNGER

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Sanjay Kumar, Son of Umesh Prasad Shah, R/o Mohalla-Lallu Pokhar,
P.S.-Kashim Bazar, District-Munger.

.... Petitioner/s

Versus

1. State of Bihar.
2. Shila Devi, Wife of Yugul Kishore Mahto, Mohalla-Lallu Pokhar
Argara, P.S.-Kashim Bazaar District-Munger.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Adv

For the Opposite Party/s : Mr. Sri Atul Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 20-07-2018 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner seeks bail in a case registered for
the offences punishable under Sections 417, 420, 464,
120(B)/34 of the Indian Penal Code.

The complainant had purchased a house in
the Munger Town from the petitioner for Rs. One Lac.
Subsequently, it revealed that the said house was mortgaged
with the Bank. This fact came to the notice of complainant
only after notice by the Bank for re-payment of loan, then
complainant found himself cheated. The law is well settled
that the complainant was also required to enquire prima
facie encumbrance on the property which he was going to
purchase and if there would have been any suppression after



preliminary enquiry, the matter would have been different.

Contention of the petitioner is that knowing well about the encumbrance, the complainant purchased the house only for Rs. One Lac otherwise in towns like Munger, no property alongwith house is of value of Rs. One Lac.

Learned counsel for the informant opposed the prayer for bail.

Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Kotwali Police Station Case No.299 of 2016, subject to the condition that both bailors shall be resident of territorial jurisdiction of the learned court below and further the petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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